

Michael X. McBride (MXM-0137)
CONNELL FOLEY LLP
888 7th Avenue, Suite 3401
New York, New York 10106
(212) 262-2390
Attorneys for Third Party Defendant, Cermak, Peterka Petersen, Inc.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

Plaintiff,

v.

DORMITORY AUTHORITY - STATE OF
NEW YORK, TDX CONSTRUCTION
CORP. and KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE
STATE OF NEW YORK and TDX
CONSTRUCTION CORP.,

Third Party Plaintiffs,

v.

TRATAROS CONSTRUCTION, INC.,

Third Party Defendant.

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth Party Plaintiffs,

v.

CAROLINA CASUALTY INSURANCE
COMPANY, et al.,

Fourth Party Defendants.

07 Civ. 6915 (DLC)
EFC CASE

**NOTICE OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

JUL 31 2008

PL 925-658773

KOHN PEDERSON FOX ASSOCIATES,
P.C.,

Third Party Plaintiff,

v.

WEIDLINGER ASSOCIATES
CONSULTING ENGINEERS, P.C.,
CASTRO-BLANCO PISCIONERI AND
ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C.,
COSENTINI ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC.,
JORDAN PANEL SYSTEMS CORP.,
TRATAROS CONSTRUCTION, INC. and
LBL SKYSYSTEMS (U.S.A.), INC.,

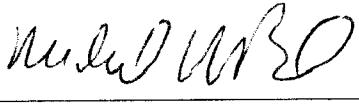
Third Party Defendants.

TO: All Counsel of Record
On Attached Service List

COUNSEL:

PLEASE TAKE NOTICE that upon the annexed affidavit of movant in support of this motion and the Certificate(s) of Good Standing annexed thereto, we will move this Court before the Honorable Denise L. Cote, U.S.D.J., at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York for an Order allowing the admission of Mark L. Fleder, Esq., a member of the firm of Connell Foley LLP and a member in good standing of the Bar of the State of New Jersey, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against me in any state or federal court.

Respectfully submitted,

By: 

Michael X. McBride

Dated: July 28, 2008

Michael X. McBride (MXM-0137)
CONNELL FOLEY LLP
888 7th Avenue, Suite 3401
New York, New York 10106
(212) 262-2390
Attorneys for Third Party Defendant, Cermak, Peterka Petersen, Inc.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

Plaintiff,
v.

DORMITORY AUTHORITY - STATE OF
NEW YORK, TDX CONSTRUCTION
CORP. and KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE
STATE OF NEW YORK and TDX
CONSTRUCTION CORP.,

Third Party Plaintiffs,

v.

TRATAROS CONSTRUCTION, INC.,

Third Party Defendant.

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth Party Plaintiffs,

v.

CAROLINA CASUALTY INSURANCE
COMPANY, et al.,

Fourth Party Defendants.

07 Civ. 6915 (DLC)
EFC CASE

**AFFIDAVIT OF MICHAEL X.
MCBRIDE IN SUPPORT OF THE
ADMISSION *PRO HAC VICE* OF
MARK L. FLEDER**

KOHN PEDERSON FOX ASSOCIATES,
P.C.,

Third Party Plaintiff,

v.

WEIDLINGER ASSOCIATES
CONSULTING ENGINEERS, P.C.,
CASTRO-BLANCO PISCIONERI AND
ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C.,
COSENTINI ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC.,
JORDAN PANEL SYSTEMS CORP.,
TRATAROS CONSTRUCTION, INC. and
LBL SKYSYSTEMS (U.S.A.), INC.,

Third Party Defendants.

MICHAEL X. MCBRIDE, being duly sworn, hereby deposes and says as follows:

1. I am a member of the law firm of Connell Foley LLP, attorneys for Third Party Defendant Cermak, Peterka Petersen, Inc. ("CPP") in the within action. I am fully familiar with the matters set forth herein. I submit this Affidavit in support of my Motion for admission of Mark L. Fleder to practice *pro hac vice* in the above-captioned matter.

2. Mark L. Fleder is a partner with Connell Foley, LLP, whose qualifications are set forth in the Affidavit being filed simultaneously with these papers.

3. Mark L. Fleder is fully conversant with the Local Civil Rules of the United States District Court for the District of New Jersey, and he has advised me that he will abide by those Rules. I have agreed to work with Mark L. Fleder in this action.

4. I agree to be held responsible for the filing of all pleadings, briefs and other papers filed with the Court and to have such papers signed by me or another attorney with Connell Foley LLP authorized to practice law before this Court.

5. For the foregoing reasons, it is respectfully requested that the Court enter an Order admitting Mark L. Fleder to practice *pro hac vice* before this court for all further proceedings in this case.



MICHAEL X. McBRIDE

Sworn to and subscribed before me
on this 28th day of July, 2008



Notary Public, State of New Jersey

JOAN A. CMIELEWSKI
A Notary Public of New Jersey
My Commission Expires April 22, 2013

Michael X. McBride (MXM-0137)
CONNELL FOLEY LLP
888 7th Avenue, Suite 3401
New York, New York 10106
(212) 262-2390
Attorneys for Third Party Defendant, Cermak, Peterka Petersen, Inc.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

Plaintiff,

v.

DORMITORY AUTHORITY - STATE OF
NEW YORK, TDX CONSTRUCTION
CORP. and KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE
STATE OF NEW YORK and TDX
CONSTRUCTION CORP.,

Third Party Plaintiffs,

v.

TRATAROS CONSTRUCTION, INC.,

Third Party Defendant.

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth Party Plaintiffs,

v.

CAROLINA CASUALTY INSURANCE
COMPANY, et al.,

Fourth Party Defendants.

07 Civ. 6915 (DLC)
EFC CASE

**AFFIDAVIT OF MARK L. FLEDER,
ESQ. SEEKING ADMISSION
*PRO HAC VICE***

KOHN PEDERSON FOX ASSOCIATES,
P.C.,

Third Party Plaintiff,

v.

WEIDLINGER ASSOCIATES
CONSULTING ENGINEERS, P.C.,
CASTRO-BLANCO PISCIONERI AND
ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C.,
COSENTINI ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC.,
JORDAN PANEL SYSTEMS CORP.,
TRATAROS CONSTRUCTION, INC. and
LBL SKYSYSTEMS (U.S.A.), INC.,

Third Party Defendants.

STATE OF NEW JERSEY)
: ss
COUNTY OF ESSEX)

MARK L. FLEDER, being duly sworn, hereby deposes and says as follows:

1. I am a member of the law firm of Connell Foley LLP, with addresses at 85 Livingston Avenue, Roseland, New Jersey, 07068; 6 Harborside Financial Center, 2510 Plaza Five, Jersey City, New Jersey, 07311; 888 7th Avenue, Suite 3402, New York, New York, 10016 and 1500 Market Street, Philadelphia, PA 19102.

2. I submit this Affidavit in support of my Motion for admission to practice *pro hac vice* in the above-captioned matter.

3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of New Jersey. I have been so admitted and in good standing since 1969.

4. There are no pending disciplinary proceedings against me in any state or federal court.

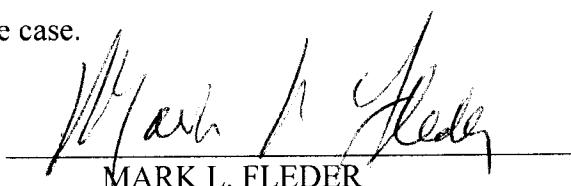
5. Third Party Defendant Cermak, Peterka Petersen, Inc. ("CPP") has retained my firm to defend this action and has requested that I handle the matter due to my extensive experience in handling construction claims in this region.

6. I have read and am familiar with the Judicial Code (Title 28, U.S.C.); the Federal Rules of Civil Procedure; the Federal Rules of Evidence; the Local Rules for the Southern District of New York; and the New York State Lawyer's Code of Professional Responsibility.

7. I will faithfully adhere to all rules applicable to affiant's conduct in connection with any activities in this court.

8. Also, I am associated with Michael X. McBride, Esq., who is a member at Connell Foley LLP and a member in good standing of the Bar of the United States District Court for the Southern District of New York.

9. Wherefore, your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case.



MARK L. FLEDER

Sworn to and subscribed before me
on this 29th day of July, 2008.



Notary Public, State of New Jersey

JOAN A. CMIELEWSKI
A Notary Public of New Jersey
My Commission Expires April 22, 2013

EXHIBIT A

Supreme Court of New Jersey

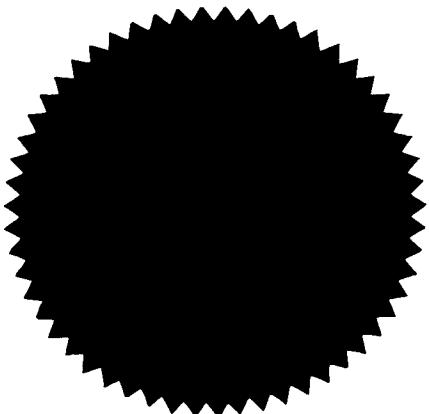


Certificate of Good Standing

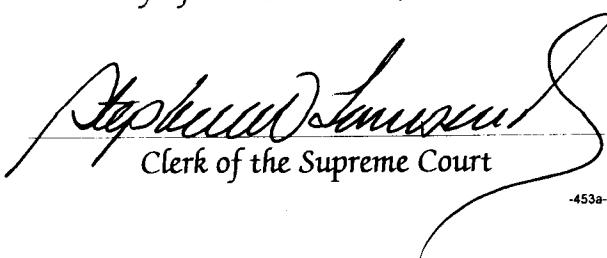
This is to certify that **MARK L FLEDER**
(No. **256641969**) was constituted and appointed an Attorney at Law of New Jersey on **November 26, 1969** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Supreme Court, at Trenton, this
24TH day of **July**, 200**08**


Stephen J. Cammilleri
Clerk of the Supreme Court

Michael X. McBride (MXM-0137)
CONNELL FOLEY LLP
888 7th Avenue, Suite 3401
New York, New York 10106
(212) 262-2390
Attorneys for Third Party Defendant, Cermak, Peterka Petersen, Inc.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

Plaintiff,

v.

DORMITORY AUTHORITY - STATE OF
NEW YORK, TDX CONSTRUCTION
CORP. and KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE
STATE OF NEW YORK and TDX
CONSTRUCTION CORP.,

Third Party Plaintiffs,

v.

TRATAROS CONSTRUCTION, INC.,

Third Party Defendant.

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth Party Plaintiffs,

v.

CAROLINA CASUALTY INSURANCE
COMPANY, et al.,

Fourth Party Defendants.

07 Civ. 6915 (DLC)
EFC CASE

CERTIFICATION OF SERVICE

KOHN PEDERSON FOX ASSOCIATES,
P.C.,

Third Party Plaintiff,

v.

WEIDLINGER ASSOCIATES
CONSULTING ENGINEERS, P.C.,
CASTRO-BLANCO PISCIONERI AND
ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C.,
COSENTINI ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC.,
JORDAN PANEL SYSTEMS CORP.,
TRATAROS CONSTRUCTION, INC. and
LBL SKYSYSTEMS (U.S.A.), INC.,

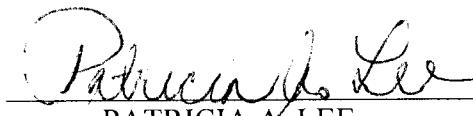
Third Party Defendants.

I, Patricia A. Lee, hereby certify that I am not a party to this action, am over 18 years of age, and work in Essex County, New Jersey. On the 29th day of July, 2008, I served the within Notice of Motion to Admit Counsel *Pro Hac Vice*, Affidavit of Mark L. Fleder, Esq., Supporting Affidavit of Michael X. McBride, Esq., and Order for Admission to Practice *Pro Hac Vice*, by directing that a copy of same be filed electronically in accordance with the Rules of this Court.

I also certify that I caused a courtesy copy of the above to be delivered, via Federal Express, to the Honorable Denise L. Cote, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, Room 1040, New York, New York 10007.

I also certify that I caused to be served this date, via electronic filing and email, a copy of the above on all counsel of record.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



PATRICIA A. LEE

Dated: July 29, 2008

Michael X. McBride (MXM-0137)
CONNELL FOLEY LLP
888 7th Avenue, Suite 3401
New York, New York 10106
(212) 262-2390
Attorneys for Third Party Defendant, Cermak, Peterka Petersen, Inc.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

Plaintiff,

v.

DORMITORY AUTHORITY - STATE OF
NEW YORK, TDX CONSTRUCTION
CORP. and KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE
STATE OF NEW YORK and TDX
CONSTRUCTION CORP.,

Third Party Plaintiffs,

v.

TRATAROS CONSTRUCTION, INC.,

Third Party Defendant.

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth Party Plaintiffs,

v.

CAROLINA CASUALTY INSURANCE
COMPANY, et al.,

Fourth Party Defendants.

07 Civ. 6915 (DLC)
EFC CASE

**ORDER FOR ADMISSION TO
PRACTICE *PRO HAC VICE***

KOHN PEDERSON FOX ASSOCIATES,
P.C.,

Third Party Plaintiff,

v.

WEIDLINGER ASSOCIATES
CONSULTING ENGINEERS, P.C.,
CASTRO-BLANCO PISCIONERI AND
ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C.,
COSENTINI ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC.,
JORDAN PANEL SYSTEMS CORP.,
TRATAROS CONSTRUCTION, INC. and
LBL SKYSYSTEMS (U.S.A.), INC.,

Third Party Defendants.

On this ____ day of _____, 2008, the motion for admission to practice *pro hac vice* in the above-captioned matter is granted. The admitted attorney, MARK L. FLEDER, is permitted to argue or try this particular case, in whole or in part, as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this order to the Intake Deputy Clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's Docket. A notation of your admission *pro hac vice* for the above-listed case will be made on the rolls of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all counsel in this case.

Honorable Denise L. Cote, U.S.D.J.

cc: All Counsel of Record